

REMARKS

Claims 1-4, 7, 9-10, 20-22, 25-26, 33-35, 38-39, 46-47 and 50-51 are currently pending. The Patent Office erroneously indicated that claims 1-104 are pending but claims 5-6, 8, 11-19, 23-24, 27-32, 36-37, 40-45, 48-49 and 52-104 were cancelled in a Preliminary Amendment filed on December 30, 2003 which was concurrently filed with the subject application (Exhibit 1).

RESTRICTION REQUIREMENT

The Office alleges that the claims are not directed to a single inventive concept and is thus requiring a restriction under 35 U.S.C. §121 to one of the following inventions:

Group I: Claims 1-57, 94-104, drawn to a method of reducing oxidative stress, classified in class 514, subclass 2+.

Group II: Claims 58-93, drawn to a pharmaceutical composition, classified in class 514, subclass 2+.

ELECTION WITH TRAVERSE

Since the currently pending claims all belong to the invention of Group I, the restriction is moot.

However, if the Patent Office requires an election nonetheless, Applicants de facto elect the invention of Group I, with traverse.

Reconsideration of the Restriction Requirement is requested for the following reasons:

Applicants point out that under MPEP §803, there are two criteria for a proper requirement for restriction, namely: (1) the invention must be independent and distinct; AND (2) there must be serious burden on the Examiner for restriction to be required.

Applicants respectfully contend that the second requirement of §803 has not been met. The Patent Office has not demonstrated a serious burden for searching the art of Groups I and II. Applicants contend that a search for reducing oxidative stress would reveal art that discloses methods and pharmaceutical compositions that are effective in reducing oxidative stress.

Thus, Examiner can perform a search on the entire application without serious burden. Moreover, separate prosecution of these claims would be unnecessarily duplicative and thus wasteful of Patent Office resources. Therefore, under MPEP §803, the instant claims do not require restriction.

Applicants respectfully request that the Examiner reconsider and withdraw the Restriction Requirement as to these claims.

SPECIES ELECTION REQUIREMENT

In the Office Action dated July 28, 2005, the Office is requiring election of a species if no generic claim is found allowable. Applicants hereby confirm election of L-CySSG as the sulfhydryl protected glutathione prodrug, with traverse.

As with all species election, Applicants understand that the claims will be restricted to the species if no generic claim is held allowable.

Reconsideration of Election of Species is requested for the following reasons:

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TRAVERSAL FOR SPECIES ELECTION:

The species restriction should be withdrawn because search of the art with regard to the claimed methods would not place an undue burden on the Examiner. A search of prior art with regard to sulfhydryl protected glutathione prodrugs should reveal whether any prior art exists as to the other members of the group. Again, separate prosecution of these claims would be unnecessarily duplicative and thus wasteful of Patent Office resources. Therefore, under MPEP §808.01(a), the instant claims do not require restriction.

CONCLUSION

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone her at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. If any fee is necessary, the Patent Office is authorized to charge any additional fee to Deposit Account No. 50-0306.

Respectfully submitted,



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